

HOUSE BILL NO. 442

INTRODUCED BY J. JAYNE, D. BROWN, K. PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PROHIBITION AGAINST LITTERING ON HIGHWAYS; ADDING PLASTIC TO THE LIST OF SUBSTANCES THAT MAY NOT BE THROWN OR DEPOSITED ON A HIGHWAY; INCREASING THE PENALTIES FOR LITTERING; ADDING THE OFFENSE OF THROWING CONTAINERS OF URINE OR FECES UPON A HIGHWAY AND PROVIDING A PENALTY; AND AMENDING ~~SECTION~~ SECTIONS 61-8-365 AND 61-8-372, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-365, MCA, is amended to read:

"61-8-365. Putting refuse on highway prohibited. (1) A person may not throw or deposit upon a highway glass bottles, glass, nails, tacks, wire, cans, plastic BOTTLES, PLASTIC, or paper, ~~or~~ A person may not throw or deposit upon a highway any other substance likely to injure ~~any a~~ a person, ~~or~~ an animal, or damage a vehicle upon the highway.

(2) A person who drops or permits to be dropped or thrown upon a highway destructive or injurious material shall immediately remove the material or cause it to be removed.

(3) A person ~~removing who removes~~ a wrecked or damaged vehicle from a highway shall remove glass or any other injurious substance dropped upon the highway from the vehicle.

(4) Except as provided in 61-8-372 AND SUBSECTION (5) OF THIS SECTION, a person convicted of violating this section shall be fined not ~~less~~ MORE than ~~\$50~~ \$250. Except for the ~~minimum~~ MAXIMUM fine of ~~\$50~~ \$250 as provided in this subsection and except for the ~~minimum~~ MAXIMUM fine of ~~\$100~~ \$500 as provided in 61-8-372, the penalty provisions of 61-8-711 apply to this section.

(5) A PERSON MAY NOT THROW OR DEPOSIT UPON A HIGHWAY PLASTIC BOTTLES OR ANY OTHER CONTAINERS IN WHICH URINE OR FECES HAVE BEEN DEPOSITED. A PERSON CONVICTED OF VIOLATING THIS SUBSECTION SHALL BE FINED NOT LESS MORE THAN \$1,000 \$500."

SECTION 2. SECTION 61-8-372, MCA, IS AMENDED TO READ:

"61-8-372. Littering with lighted matches, cigarettes, and other burning material and dumping

1 **ashtray prohibited -- penalty -- posting.** (1) A person may not throw away lighted matches, tobacco,
2 cigarettes, cigars, or other lighted material on a forest road, private road, city street, county road, public
3 highway, or railroad right-of-way, except lighted materials used as safety signaling devices, in this state.

4 (2) A person may not empty an ashtray containing matches, ashes, cigarette or cigar refuse, or
5 other related material on a forest road, private road, city street, county road, public highway, or railroad
6 right-of-way in this state.

7 (3) A person convicted of violating subsection (1) or (2) shall be fined a ~~minimum~~ MAXIMUM of
8 ~~\$100~~ \$500.

9 (4) Municipalities, the forest service, county governments, property owners, public transit
10 operators, federal highway administrators, and any other appropriate entity may, at their discretion, post
11 copies of this section in conspicuous locations."

12 - END -